

PARTIES

5. Plaintiff is a natural person who resides in Columbus, Franklin County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Delaware corporation and a debt collector with an office in Norfolk, Virginia.
8. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. For approximately 12 months preceding October, 2011, Defendant sent correspondence to and placed calls to Plaintiff at her phone number, 614.238.6707, as part of an effort to compel Plaintiff to pay an alleged consumer debt for a \$4,000 outstanding balance that was more than 10 years past due.
11. Plaintiff for several months preceding October, 2011, agreed to pay approximately \$25.00 per month to Defendant to be applied as a credit to the

alleged debt, and requested during certain phone calls that Defendant provide her with an itemization or other receipts to verify the amounts alleged as still due and owing to Defendant, and reflecting all credits for the monthly payments she made.

12. Defendant never provided any itemization or other statement as Plaintiff requested.

13. In approximately August or September, 2011, Plaintiff did not make the monthly payment to Defendant, and Defendant, for a period of nearly 2 months, responded by making excessive and continuous telephone calls, often 2 to 3 times per day, to Plaintiff as part of its effort to compel Plaintiff to keep paying on the alleged debt.

14. During one such phone call on October 10, 2011, Defendant's representative advised Plaintiff that her monthly payments were insufficient and would not be credited against her alleged debt, that Plaintiff needed to increase the amounts of her payments, and throughout spoke to Plaintiff in a threatening and abusive tone and manner prior to hanging up on Plaintiff to conclude the call, all of which caused Plaintiff to feel threatened, harassed and annoyed.

15. Defendant further failed to advise Plaintiff during its contacts that the debt it sought to collect was time-barred as a matter of law and not viable for court legal proceedings, or that any partial repayment of the alleged debt could actually subject Plaintiff to litigation or other proceedings that otherwise could not legally be had, and/or potential obligation to repay all amounts allegedly owed.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- c. Defendant violated §1692e by using any false, deceptive, or misleading representation or means in connection with the collection of a debt.
- d. Defendant violated §1692e(2)(A) by the false representation of the character, amount, or legal status of a debt.

WHEREFORE, Plaintiff, BELINDA WALLS, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
19. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, BELINDA WALLS, requests a jury trial in this case.

Respectfully submitted,

KAHN & ASSOCIATES, LLC

/s/ J. Daniel Scharville

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Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, BELINDA WALLS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, BELINDA WALLS, hereby declare (or certify, if by state) under penalty of perjury that the foregoing is true and correct.

1/11/2012
Date


BELINDA WALLS